

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MORGAN STANLEY SMITH
BARNEY, LLC,

Plaintiff,

v.

KEVIN M. CLOUSE,

Defendant.

Case No. C17-203-RAJ

ORDER

This matter comes before the Court on Plaintiff Morgan Stanley Smith Barney, LLC's ("Morgan Stanley") Motion for Temporary Restraining Order ("TRO"). Dkt. # 3. For the reasons that follow, the Court **DENIES** Morgan Stanley's motion.


A TRO is "extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008).¹ To obtain a TRO, Morgan Stanley must show that (1) it is likely to succeed on the merits, (2) it is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in its favor, and (4) an injunction is in the public interest. *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009).

Having reviewed the motion, the complaint, the submissions of the parties, the relevant portions of the record, and the applicable, law, the Court concludes that Morgan

¹ The standard for issuing a TRO is identical to the standard for issuing a preliminary injunction. *New Motor Vehicle Bd. of California v. Orrin W. Fox Co.*, 434 U.S. 1345, 1347 (1977).

1 Stanley has not carried its burden to establish these elements. In particular, Morgan
2 Stanley has not established a likelihood of success on the merits, irreparable harm in the
3 absence of a TRO, or that the balance of equities tips in its favor. Accordingly, the Court
4 **DENIES** Morgan Stanley's Motion for TRO. Dkt. # 3.

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6 DATED this 10th day of February, 2017.

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8 The Honorable Richard A. Jones
9 United States District Judge
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